

REMARKS

This Amendment is filed concurrently with a Request for Continued Examination (RCE) and in response to the Advisory Action issued on June 13, 2007, and in further response to the Final Official Action dated March 13, 2007.

Claims 1-13 are pending in the application. Claims 1, 2, 5, 7, 9, and 10 are amended and claims 3 and 4 are canceled herein.

Claims 1, 5 and 11 are independent.

Claims 1 and 5 are amended to recite features previously recited in claim 3, which is accordingly cancelled, and to make minor editorial changes and clarifications, including eliminating the term "means". Claims 2, 7, 9 and 10 are amended solely to make editorial changes and clarifications.

Restriction and Withdrawal of Claims 11-13

Claims 11-13 stand restricted and withdrawn, as directed to an invention that is independent or distinct from the invention originally claimed. The restriction and withdrawal are respectfully traversed.

Claims 11-13 are related to claims 1-10 as a process and an apparatus used in the practice of the process. "Related inventions are distinct if the inventions as *claimed* are not connected in at least one of design, operation, or effect (e.g., can be made by, or used in, a materially different process) and wherein at least one invention is PATENTABLE (novel and nonobvious) OVER THE OTHER (though they may each be unpatentable over the prior art)." (See MPEP 802.01) A "[p]rocess and apparatus for its practice can be shown to be distinct inventions, if either or both of the following can be shown: (A) that the process as *claimed* can be practiced by another materially different apparatus or by hand; or (B) that the apparatus as *claimed* can be used to practice another materially different process." (See MPEP 806.05(e)) "The particular reasons relied on by the examiner for holding that the inventions as claimed are either independent or distinct should be concisely stated. A mere statement of conclusion is inadequate. The reasons upon which the conclusion is based should be given." (See MPEP 808.01)

However even if the inventions are distinct, the Examiner must keep in mind that “[e]very requirement to restrict has two aspects: (A) the reasons (as distinguished from the mere statement of conclusion) why *each invention as claimed* is either independent or distinct from the other(s); and (B) the reasons why there would be a serious burden on the examiner if restriction is not required, i.e., the reasons for insisting upon restriction therebetween as set forth in the following sections.” (See MPEP 808.01) Therefore, even if it can be established that the invention of claims 1-10 and claims 11-13 are distinct, “the examiner, in order to establish reasons for insisting upon restriction, must explain why there would be a serious burden on the examiner if restriction is not required. Thus the examiner must show by appropriate explanation one of the following:

(A) Separate classification thereof: This shows that each invention has attained recognition in the art as a separate subject for inventive effort, and also a separate field of search. Patents need not be cited to show separate classification.

(B) A separate status in the art when they are classifiable together: Even though they are classified together, each invention can be shown to have formed a separate subject for inventive effort when the examiner can show a recognition of separate inventive effort by inventors. Separate status in the art may be shown by citing patents which are evidence of such separate status, and also of a separate field of search.

(C) A different field of search: Where it is necessary to search for one of the inventions in a manner that is not likely to result in finding art pertinent to the other invention(s) (e.g., searching different classes/subclasses or electronic resources, or employing different search queries, a different field of search is shown, even though the two are classified together. The indicated different field of search must in fact be pertinent to the type of subject matter covered by the claims. Patents need not be cited to show different fields of search. Where, however, the classification is the same and the field of search is the same and there is no clear indication of separate future classification and field of search, no reasons exist for dividing among independent or related inventions.” (See MPEP 808.02) “Before making a restriction requirement after

the first action on the merits, the examiner will consider whether there will be a serious burden if restriction is not required.” (See MPEP 811)

In view of the above, it is respectfully submitted that the restriction (and hence the withdrawal) is improper for failing to comply with the mandates set forth in the MPEP. More particularly, in support of the restriction, the Official Action presents only a mere statement of conclusion, and not the required concise statement of the particular reasons relied on by the examiner for holding that the inventions as claimed are distinct. As explicitly highlighted in the MPEP, a mere statement of conclusion is inadequate. Furthermore, the Official Action fails to present any reasons why insisting on restriction is necessary. More particularly, the Examiner fails to establish that the inventions of claims 1-10 and 11-13 require separate classification, have a separate status in the art, or require different fields of search.

Accordingly, it is respectfully requested that the restriction and withdrawal of claims 11-13 be reconsidered and withdrawn.

If the restriction/withdrawal is to be maintained, it is respectfully also requested that a full explanation of the basis for the restriction/withdrawal be presented in the next official action issued in connection with this application.

Objection to Claims 1 and 5 on Informality Grounds

Claims 1 and 5 are objected to on informality grounds. Claims 1 and 5 are amended as suggested. Accordingly, it is respectfully requested that the objection be reconsidered and withdrawn.

Provisional Non-Statutory Double Patenting Rejection of Claims 1-10

Claims 1-10 stand provisionally rejected on the basis of non-statutory double patenting over claims 13-16 of U.S. application serial number 10/697,256. The rejection is respectfully traversed.

Independent claim 1 requires a shielding control device for controlling the shielding device in either a state that a player can see the symbols or a state that the player cannot see the symbols so that a stopping order is indicated, by controlling the

shielding device such that (i) a display area of the reel that is to be stopped is in the state that the player can see the symbols on the reel and (ii) display areas of other reels that are not to be stopped are in the state that the player can not see the symbols on those reels.

Independent claim 5 requires that the shutter is controlled such that the portion of the symbols is shielded or shown through the panel so that a stopping order is indicated by controlling the shutter such that a display area of the reel having the portion of symbols (i) is not shielded if the reel is to be stopped and (ii) is shielded if the reel is not to be stopped.

Independent claim 11 requires, prior to the player directing the stopping of the varying symbols in one of the multiple groups of symbols, simultaneously shielding the displayed varying symbols in all of the multiple groups of symbols from the player, except for the displayed varying symbols in the one group of symbols.

On the other hand, claim 13 of the '256 application recites that the shielding control device performs, in accordance with a kind of stopping operation by the player.

Therefore, the basis for the contention that the limitations of claims 1 and 5 (and presumably 11) of the present application are equivalent to those of claims 13-15 of the '256 application is unclear and, as best understood, lacks the requisite support.

Furthermore, as amended, each of claims 1 and 5 now recites a special game controller for causing a special state that is advantageous to the player under a predetermined condition. Claim 1 also recites that the shielding control device controls the shielding device during the special gaming state (as previously recited in claim 3 of the present application (now cancelled)). Claim 5 also recites that the shutter is controlled during the special gaming state.

These features do not correspond to any feature of claim 13 of the '256 application and accordingly further distinguish the present claims 1-10 over claim 13. Since claims 14-15 are not specifically applied in support of the rejection, the Examiner's position regarding the relevance of these claims with respect to the rejection of the present application claims is necessarily entirely unclear.

Accordingly, it is respectfully requested that the provisional rejection of claims 1-

10 on the basis of non-statutory double patenting be reconsidered and withdrawn.

Obvious Rejection of Claims 1-10

Claims 1-10 stand rejected under 35 USC §103(a), as obvious over previously cited Nishikawa (JP Publication No. 2000-300729) in view of newly cited Minoura (Japanese Patent Publication No. 07-124290). The rejection is respectfully traversed.

As discussed in the response, filed on January 3, 2007, to the immediately prior Official Action dated October 3, 2006, before amendment herein, independent claim 1 required a shielding control device for controlling the shielding device in either a state that a player can see the symbols or a state that the player cannot see the symbols so that a stopping order is indicated, by controlling the shielding device such that (i) a display area of a reel that is to be stopped is in the state that the player can see the symbols on the reel and (ii) display areas of other reels that are not to be stopped are in the state that a player can not see the symbols on those reels.

Independent claim 5 required a shutter controlled such that the portion of the symbols is shielded or shown through the panel so that a stopping order is indicated by controlling the shutter such that a display area of a reel having the portion of symbols (i) is not shielded if that reel is to be stopped and (ii) is shielded if that reel is not to be stopped.

The present Official Action acknowledges that Nishikawa lacks these limitations, and proposes to modify Nishikawa based on the teachings of Minoura so as to meet these limitations.

However, contrary to the assertions in the Official Action, Minoura lacks any teaching or suggestion of shielding so that a stopping order is indicated by executing a control such that a display area of a reel having the portion of symbols (i) is not shielded if that reel is to be stopped and (ii) is shielded if that reel is not to be stopped.

Rather, in paragraphs 23-26 Minoura explicitly teaches that no reels are shielded before all reels have been stopped. As described in paragraph 29, after all reels have been stopped and if a "big bonus" has materialized by display of a hit pattern (e.g. by the display of 7-7-7 on Rhine 63), shielding is provided so that the hit pattern is

emphasized.

Therefore, it is respectfully submitted that the limitations of each of independent claims 1 and 5 (and for that matter also independent claim 11) patentably distinguish over the applied combination of art.

Claim 1 is further amended herein to add features previously recited in dependent claim 3 (which is now accordingly cancelled) and for clarification. Claim 5 is also further amended to add limitations somewhat similar to those previously recited in claim 3, and for clarification. Accordingly, these claims, as amended, are even further distinguishable over the applied prior art.

In the above referenced Advisory Action, it is asserted that: "[F]igure 7 [of Minoura] clearly shows three "STOP" images on the LCD overlaying the variable reels, in which it appears, the symbols are shielded until [] that reel is selected to be stopped." It is also asserted that: "The Examiner interpretation of [the] disclosure [in paragraphs 0023-0026 of Minoura] and figure 7 combined is that each reel having the STOP image is shielded until the STOP image is selected to stop that particular rotating reel. Upon completion of the spin, all nine symbols are shown for a time period, then subsequent shielding is used to display only the hit-pattern. It appears that particular disclosure and at least figure 7 does not preclude the Examiner's interpretation."

However, contrary to the Advisory action Minoura explicitly teaches that:

"[0023] Next, by the charge of the medal from the medal input port 11 shown in drawing 2 of the front face of a slot machine 10, or switch actuation of the credit medal charge switch 16, if the medal of one sheet is thrown in, as shown in drawing 4, the liquid crystal of the part of each display windows 22-24 will be in a light transmission condition. For this reason, the emblem of each internal revolution reels 30-32 can be seen from the front face of a center panel 21."

Thus according to Minoura's disclosure in 0023, after the player pays the fee to play, the liquid crystal of the part of each of display windows 22-24 will be in a light transmission condition and the emblem of each of the internal revolution reels 30-32 can be seen from the front face of the center panel 21. Accordingly, there is nothing in the 0023 disclosure to suggest that "each reel having the STOP image is shielded until

the STOP image is selected to stop that particular rotating reel", as asserted in the Advisory Action.

Minoura further explicitly teaches that:

"[0024] In addition, as it is shown in drawing 4, using a part of translucent surface of liquid crystal as a protection-from-light condition, the liquid crystal display of the central line 60 is carried out, and one effective line is displayed. Moreover, it is shown that the medal of one sheet was thrown into the right end in drawing 4 of the central line 60, for example, the liquid crystal display of the one medal charge display 70 to which the alphabetic character of '1 Medal' was given is carried out."

Thus according to Minoura's disclosure in 0024, after the player pays a one metal charge, a part of the translucent surface of liquid crystal is placed in a protection-from-light condition, such that one effective line (i.e. central line 60 of Figure 4) is displayed. Accordingly, there is nothing in the 0024 disclosure to suggest that "each reel having the STOP image is shielded until the STOP image is selected to stop that particular rotating reel", as asserted in the Advisory Action.

Minoura also explicitly teaches that:

"[0025] below, when the medal of the 2nd sheet is thrown in, it is shown in drawing 5 -- as -- the central line 60 -- in addition -- the -- the liquid crystal display of the top line 61 and the bottom line 62 is carried out up and down, and a total of three effective lines is displayed. Moreover, it is shown that the medal of two sheets was thrown into each right end in drawing 5 of the lines 61 and 62 of the two upper and lower sides, for example, the liquid crystal display of the two medal charge displays 71 and 72 to which the alphabetic character of "2 Medal" was given is carried out. Consequently, the medal charge displays 70-72 become a total of three pieces."

Thus according to Minoura's disclosure in 0025, after the player pays a two metal charge, another part of the translucent surface of liquid crystal is placed in a protection-from-light condition, two more effective lines (i.e. upper and lower lines 61 and 62 of Figure 5) are also displayed. Accordingly, there is nothing in the 0025 disclosure to suggest that "each reel having the STOP image is shielded until the STOP image is selected to stop that particular rotating reel", as asserted in the Advisory Action.

Minoura additionally explicitly teaches that:

"[0026] Furthermore, if the medal of the 3rd sheet is thrown in, as shown in drawing 6 , in addition to a center, a top, and the bottom lines 60-62, the liquid crystal display of the two slanting lines 63 and 64 which intersected the "x" form in the center will be carried out, and a total of five effective lines will be displayed. Moreover, it is shown that the medal of three sheets was thrown into each right end in drawing 6 of two slanting lines 63 and 64, for example, the liquid crystal display of the two medal charge displays 73 and 74 to which the alphabetic character of "3 Medal" was given is carried out. Consequently, the medal charge displays 70-74 become a total of five pieces."

Thus according to Minoura's disclosure in 0026, after the player pays a three metal charge, still another part of the translucent surface of liquid crystal is placed in a protection-from-light condition, such that still two more effective lines (i.e. diagonal lines 63 and 64 of Figure 6) are also displayed. Accordingly, there is nothing in the 0026 disclosure to suggest that "each reel having the STOP image is shielded until the STOP image is selected to stop that particular rotating reel", as asserted in the Advisory Action.

In view of the above, the basis for the Examiner's interpretation of Minoura's disclosure in paragraphs 0023-0026 and figure 7 combined that each reel has a STOP image shielded until the STOP image is selected to stop that particular rotating reel is not understood.

Furthermore, Minoura explicitly teaches, with respect to Figure 7, that:

"[0027] It continues, and if the start switch 12 shown in drawing 2 of the front face of a slot machine 10 is operated, three revolution reels 30-32 will start a revolution almost simultaneous. And all the revolution reels' 30-32 initiation of a revolution carries out the liquid crystal display of a total of three stop displays 80-82 by which the alphabetic character of "STOP" was given to each display window 22-24 bottom, as shown in drawing 7 . Three stop displays 80-82 correspond to three stop switches 13-15 shown in drawing 2 of the front face of a slot machine 10, respectively, and show that actuation of each stop switches 13-15 is possible."

Thus according to Minoura's disclosure in 0027, after the player operates the

start switch, the three revolution reels 30-32 will start revolving almost simultaneously on the liquid crystal display and three stop displays 80-82 (corresponding to three stop switches 13-15) will be displayed at the bottom of display windows 22-24 to show that actuation of each of stop switches 13-15 is possible, as shown in Figure 7. Accordingly, there is nothing in the 0027 disclosure to suggest that "each reel having the STOP image is shielded until the STOP image is selected to stop that particular rotating reel", as asserted in the Advisory Action.

Minoura also explicitly teaches, with respect to Figure 7, that:

"[0028] Next, three stop switches 13-15 are operated altogether, and all the revolution reels 30-32 are stopped. Consequently, if three patterns to which a special prize mode, for example, the lower right shown in drawing 7, consists of the alphabetic character of "7" on the slanting line 63 of ** when the combination of the specific pattern set up beforehand is formed on an effective line gather, the so-called role of a "big bonus" will be materialized and the medal of 15 sheets will pay out a game person."

Thus according to Minoura's disclosure in 0028, the player operates the three stop switches 13-15 altogether, and all the revolution reels 30-32 are stopped. If three patterns which form a special prize mode consist of the character of "7" on the diagonal line 63, a so-called "big bonus" will be applicable. Accordingly, there is nothing in the 0028 disclosure to suggest that "each reel having the STOP image is shielded until the STOP image is selected to stop that particular rotating reel", as asserted in the Advisory Action.

Minoura additionally explicitly teaches, with respect to Figure 8, that:

"[0029] Moreover, if a "big bonus" is materialized, as shown in drawing 8, the lower right will leave the pattern of "7" which gathered on the slanting line 63 of **, and will be in a protection-from-light condition, and each display windows 22-24 which were in the light transmission condition for a long time up and down will emphasize that the hit pattern of a "big bonus" is legible from a game person. Furthermore, as it goes in drawing 7 of each display windows 22-24, the five medal charge displays 70-74 currently displayed on right-hand side put out the light and it is shown in the part at drawing 8, the alphabetic character of a "big bonus" is displayed, and it indicates that

the "big bonus" was materialized intelligibly for a game person."

Thus according to Minoura's disclosure in 0029, if the big bonus pattern, e.g. three 7s, appears on diagonal line 63, each of display windows 22-24 will then be subjected to a protection-from-light condition so that only the hit pattern (7-7-7) of the "big bonus" is displayed to the player. Accordingly, there is nothing in the 0029 disclosure to suggest that "each reel having the STOP image is shielded until the STOP image is selected to stop that particular rotating reel", as asserted in the Advisory Action.

In summary, Minoura discloses that a display window is not shielded while reels are rotating; however, after the reels stop, all symbols in the display window are shielded except for the bonus hit image. Furthermore, there is nothing in Minoura's explicit teachings in paragraphs 0023-0026 and Figure 7, or elsewhere, to suggest that these teachings combined should be properly interpreted to teach or suggest that "each reel having the STOP image is shielded until the STOP image is selected to stop that particular rotating reel", and accordingly such an interpretation can only be based on improper hindsight or pure speculation. Indeed, paragraph 0028 teaches against each reel having the STOP image being shielded until the STOP image is selected to stop that particular rotating reel, and thus would appear to preclude the Examiner's interpretation.

Accordingly, it is respectfully requested that the prior art rejection be reconsidered and withdrawn.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed local telephone number, in order to expedite resolution of any remaining issues and further to expedite passage of the application to issue, if any further comments, questions or suggestions arise in connection with the application.

To the extent necessary, Applicants petition for an extension of time under 37 CFR § 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to the Deposit Account No. 01-2135

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(Case No.1227.43065X00) and please credit any excess fees to such Deposit Account.

Respectfully submitted,
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